

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JOHN ELBERT HESTER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10CV72 DPJ-FKB

WEXFORD HEALTH SERVICES, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge F. Keith Ball recommended dismissal of Hester's civil action based on Hester's failure to exhaust his administrative remedies pursuant to 42 U.S.C. § 1997(e). The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.¹

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 2nd day of November, 2010.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE

¹ Plaintiff did not file objections to the Report and Recommendation, and the time to do so has now passed. The Court also notes that Plaintiff failed to respond to Defendants' motion to dismiss for failure to exhaust.